

[Federal Register: January 12, 2000 (Volume 65, Number 8)]

[Proposed Rules]

[Page 1831]

From the Federal Register Online via GPO Access [wais.access.gpo.gov]

[DOCID:fr12ja00-29]

=====  
[[Page 1831]]

-----  
DEPARTMENT OF **ENERGY**

Office of **Energy** Efficiency and Renewable **Energy**

10 CFR Part 490

[Docket No. EE-RM-99-507]

RIN 1904-AA98

Alternative Fuel Transportation Program; Requirements for **Private**  
and **Local** Government Fleets

AGENCY: Office of **Energy** Efficiency and Renewable **Energy**, Department of  
**Energy** (DOE).

ACTION: Advance notice of proposed rulemaking; extension of deadlines.

-----  
SUMMARY: The Department of **Energy** is extending the deadline for a  
rulemaking regarding alternative fueled vehicle acquisition  
requirements for **private** and **local** government fleets. The **Energy Policy**  
Act of 1992 (Pub. L. 102-486) allows the Department to extend the  
deadlines established under the Act and requires publication of a  
notice of the extension in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth R. Katz, Program Manager,  
Office of **Energy** Efficiency and Renewable **Energy** (EE-34), U.S.  
Department of **Energy**, 1000 Independence Avenue SW., Washington, DC  
20585. (202) 586-9171.

SUPPLEMENTARY INFORMATION: The **Energy Policy** Act of 1992 (Pub. L. 102-  
486) authorizes DOE to pursue a rulemaking concerning alternative  
fueled vehicle acquisition requirements for **private** and **local**  
government fleets. Section 507(g) provides for a rulemaking, which was  
to be completed by January 1, 2000. As part of that rulemaking, section  
507(c) of the Act required DOE to publish an Advance Notice of Proposed  
Rulemaking (ANOPR) to begin a rulemaking process to evaluate and  
examine the Act's replacement fuel goals and to determine whether  
alternative fueled vehicle (AFV) acquisition requirements for **private**  
and **local** government fleets are necessary to achieve the Act's **energy**  
security and other goals. 42 U.S.C. 13256(c).

DOE published an ANOPR for the purposes described in section 507(c)

on April 17, 1998. 63 FR 19372. This notice was intended to stimulate comments to assist DOE in making decisions concerning future rulemaking actions and non-regulatory initiatives to promote alternative fuels and alternative fueled vehicles. Three hearings were held to receive oral comments on the ANOPR. They were held on May 20, 1998, in Los Angeles, California; on May 28, 1998, in Minneapolis, Minnesota; and on June 4, 1998, in Washington, DC. A total of 110 persons spoke at the three hearings, and/or submitted written comments which were to be received by July 16, 1998.

Section 507(h) provides that ``The Secretary may, by notice published in the Federal Register, extend the deadlines established under subsections (e), (f)(2), and (g) for an additional 90 days if the Secretary is unable to meet such deadlines. Such extension shall not be reviewable.'' By publication of this notice, DOE is hereby extending the deadlines established under subsections (e), (f)(2), and (g), from January 1, 2000, for an additional 90 days.

The extension of the deadlines is necessary so that DOE can comply with the requirements for intergovernmental consultation as specified in Executive Order 13132 and a Federal Register Notice of final statement of **policy** (62 FR 12820, March 18, 1997). Section 6 of Executive Order 13132, Federalism (64 FR 43255, August 10, 1999), specifies the consultation process that each agency must undertake to ensure meaningful and timely input by State and **local** officials in the development of regulatory policies that may have federalism implications. The Notice of final statement of **policy** publishes DOE **policy** on intergovernmental consultation under the Unfunded Mandates Reform Act of 1995. Section III of that notice specifies the process that DOE must take when proposing a significant intergovernmental mandate on State, **local**, or tribal governments. DOE will also finalize its required regulatory analyses during this 90-day time frame.

DOE is planning on fulfilling the intergovernmental consultation requirements described above. However, at this time, DOE does not believe that a **private** and **local** government fleet program would have Federalism implications, nor would it meet the threshold established for a significant intergovernmental mandate, which is whether the aggregate annual compliance expenditures would equal or be in excess of \$100 million.

Issued in Washington, DC on December 29, 1999.

Thomas J. Gross,  
Deputy Assistant Secretary for Transportation Technologies.  
[FR Doc. 00-414 Filed 1-11-00; 8:45 am]  
BILLING CODE 6450-01-P